PSIR Power 50 – Day 3 Capsule: Theories of Justice + Practice Qs

Hello Aspirants,
Day 3 tackles **Justice**—
UPSC has asked **3 ten-mark questions, 5 fifteen-mark questions, and 5 twenty-mark questions** from this topic in last 12 years.

(Foundation-course alumni: go back to your notes if you are not able to recall something).

1. Justice as *Ideal & Absolute Truth*

Angle	Key Takeaways
Static vs **Dynamic**	*Static* grasp = comprehension of an *ideal absolute truth*. *Dynamic* grasp = that truth evolving with **rationality** and **social consciousness**.
Context-dependence	What once looked "just" (*slavery, caste, women's subjugation*) later turns unjust as moral horizons widen.
Etymology	*"Jangere"* (Latin) → *to bind*; root of *"jus"*. Justice **binds** society into fair relations.
Binding idea	Distributes **rights, duties, rewards, punishments** on morally defensible grounds.

2. Classical Principles of Justice

Source	Core Rule	Scholar / Era
Roman Emperor Justinian	*Alterum non laedere – "Do not harm others."* *Suum cuique tribuere – "Give each his due."*	Late Roman
Plato	*Proper stationing + non-interference.*	*Republic*
Aristotle	**General Justice** (overall goodness) vs **Particular Justice**: *rectificatory* (correct wrongs) and *distributive* (share honours, resources).	*Nicomachean Ethics*

3. Justice as a *Balancing* Yard-stick

- Resolves clashes—most famously **liberty ↔ equality**.
- Your stance pivots on which value you badge as *ultimate*.

Conception	Ultimate Value	Political Stream
Procedural	Liberty	**Liberalism** → emphasises *formal equality* & *opportunity*.
Substantive	Equality	**Socialism** → seeks *equality of outcomes*.

4. Liberalism → Utilitarianism → Rawls

1. **Classic Liberalism** worships *liberty*.
2. **Utilitarianism** shifts to *utility*—*"greatest happiness of the greatest number."*
   - **Flaw**: legitimises *majoritarianism*; minorities become means.
3. **Rawls** (a **Liberal Egalitarian**) grafts **Kantian** ethics—*no person is a mere means*.
   - *Rawls's maxim: "Each person has an inviolability… the welfare of all cannot override the freedom of some."*

5. Rawls in Focus

	Detail
Signature works	**"Justice as Fairness"** (1958), **A THEORY OF JUSTICE** (1971), **POLITICAL LIBERALISM** (1993), **THE LAWS OF PEOPLES** (1998).
Society's nature	*Cooperative yet conflictual*; justice is its *first virtue* (truth is for thought).
Social contract redux	**Original Position** behind a *"veil of ignorance"* → impartial choice of principles.
Moral powers	1. **Sense of Justice** (reasonableness, reciprocity) 2. **Conception of the Good** (life-plans).
Primary goods	*Rights, liberties, income, wealth*—tools every life-plan needs.

6. Maximin Rule & the Two Principles

Stage	Content
Maximin logic	*"Maximise the minimum."* Choose rules that secure the best worst-case scenario.
Principle 1 – Liberty	Each person enjoys the **most extensive equal basic liberty** compatible with the same liberty for others.
Principle 2 – Difference + Fair Equality of Opportunity	Inequalities are only just if they **benefit the least advantaged** *and* attach to positions **open to all** under *fair* opportunity.
Lexical priority	Liberty first; only then weigh Principle 2.

7. *Reflective Equilibrium*

- **Iterative balancing** between held judgments and chosen principles.
- **Narrow** equilibrium: align your set of beliefs with one principle-set.
- **Wide** equilibrium: re-adjust after scanning *all* moral considerations.
- End-goal: a **coherent web** you can defend under cross-examination—precisely what ATS evaluators annotate in the margin.

9. Communitarian Critique of Rawls – Core Points

Michael Sandel (*Liberalism and the Limits of Justice*, **1982)**

1. **Concept of Self**
   - ✓ Rawls: *self prior to its ends* (freely chooses goals).
   - ✓ Sandel: humans are **"embedded selves"**; identities and purposes are given by community, not chosen.
   - ✓ *Original position* is infeasible—agents cannot step outside communal attachments.

2. **Individual ↔ Community**
   - ✓ Rawls over-states autonomy, under-states communal bonds.
   - ✓ Paradox: disinterested contractors behind the veil later feel *rational* duty to aid the disadvantaged—Sandel says genuine concern would arise *spontaneously* from shared life.

3. **Role of the State**
   - ✓ Against Rawlsian *neutrality*, state should advance the community's vision of the good.
   - ✓ In a genuinely united community, abstract rights-talk becomes redundant.

4. **Overall charge**: the **Rawlsian person** is an empty, arbitrary chooser—detached from real values, commitments, and lived experiences.

Neutral-State Skepticism (Communitarian View)
- True neutrality is an illusion; every state expresses a cultural ethos.
- **Alasdair MacIntyre**: moral norms are *particularistic*, varying by tradition.

Michael Walzer (*Spheres of Justice*, 1983)
- Justice is **relativistic & particularistic**; goods carry **social meanings** created by distinct communities.
- No universal "good" fits all societies; equality itself is culture-rooted.
- A society is just when its members live faithfully by their shared understandings of offices, honours, and rewards.

Rawls's Reply – *Political Liberalism* (1993)
- Distinguishes a **political conception of justice** (for the basic structure) from **comprehensive doctrines** (religions, moral philosophies).
- Political conception is **free-standing** yet drawn from democratic public culture.

Central Problem:
How can citizens holding diverse comprehensive doctrines endorse the same principles of justice?

Key Devices
1. **Overlapping Consensus** – different moral world-views converge on *justice as fairness* because citizens are **reasonable**.
2. **Reasonable Pluralism** – diversity of doctrines is a permanent fact of democratic life.
3. **Burden of Judgment** – awareness of limits of reason leads people to seek fair terms of cooperation.

Result: citizens reach a shared political morality without relinquishing their deeper, differing beliefs.

10. Rawls & Global Justice
- **Charles Beitz (1979)**, **Thomas Pogge (1989, 2002)** → extend **Difference Principle** worldwide; rich states owe the global poor.
- **Rawls**: no global redistribution; instead rules for **"decent peoples"** (peaceful, basic-rights, law-guided, decent hierarchy).
  Eight duties: mutual independence · keep treaties · equitable deals · non-intervention · self-defence only · honour human rights · war-conduct code · aid burdened societies.

11. Robert Nozick – Entitlement Theory (*Anarchy, State and Utopia*)
1. **Justice in Acquisition**
2. **Justice in Transfer**
3. **Rectification**
- Motto: "From everyone **as they choose**, to everyone **as they are chosen**."
- Rejects patterned redistribution; accepts large inequalities if produced by just steps.
- State = **minimal "night-watchman" / dominant protective agency**.

11. Ronald Dworkin – Equality of Resources
- **Equality = sovereign virtue**; right to **equal concern and respect**.
- Rejects **Equality of Welfare**; defends **Equality of Resources**:
  - ✓ **Auction thought-experiment** + **envy test** → distribution envy-free.

✓ **Ambition sensitivity** (choices) & **endowment sensitivity** (brute luck insurance).
- Distinguishes **brute luck** vs **option luck**.

12. Amartya Sen – Capability Approach
- Justice aims at expanding **capabilities** (real freedoms), not only primary goods (**Rawls**) or welfare.
- **Functionings** = valued doings/beings; development = capability expansion.
- Advocates **comparative assessment**, **public reasoning**, removal of clear injustices.
- **Pratap Bhanu Mehta**: calls Sen "anti-utopian yet utopian."
- Sen on plurality of reason: justice must accommodate diverse equalities & liberties.

Metric of Justice	Rawls	Dworkin	Sen
Focus	Primary **goods**	**Resources**	**Capabilities**

13. Feminist Conception of Justice
Key premise: Classic justice theories- patriarchal; women's experiences lie *outside* the canon.
- **Julius Stone**: Law/justice are social constructs, *context-bound and evolutionary*, not formal abstractions.
- **Susan Moller Okin**
  - ✓ **Gender system** = institutionalised sex differences; tradition, socialisation, role-fixation embed inequality.
  - ✓ Liberalism's blind spot: household & family stay beyond justice's reach since **Aristotle** relegated women indoors.
  - ✓ **Critique of Rawls**
    - Uses male-generic language ("*he, his, mankind*").
    - **Veil of ignorance** omits *sex*; thus gender bias survives the *original position*.
    - Calls the monogamous **family** a basic institution yet never probes its internal power relations.
  - ✓ **Theory of justice**: The *gendered family* is root of social unfairness; reconstruct roles/opportunities via women's full participation in building a truly *human moral theory*.
  - ✓ Engagement with **Michael Walzer**: credits his notice of sex/gender but faults his *cultural relativism*.

14. Debate on Rawls's democratic equality
Strengths
- Combines *equal basic liberties* with **fair equality of opportunity** + **difference principle** (maximin); aligns with welfare-state devices like progressive tax and affirmative action.

Critiques

Ideological camps	Main scholar & thrust
Libertarian	**Robert Nozick**: redistributive tax is on a par with *forced labour*; violates self-ownership.
Egalitarian left	**G.A. Cohen**: difference principle lets the talented demand incentives—undermines its own spirit.

Capability school	**Amartya Sen**: primary-goods metric ignores *conversion* differences; justice must track *capabilities*.
Feminist	**Susan Okin**: household labour and gender hierarchy remain unseen behind the veil.
Rawls's own revision	Suggests **property-owning democracy** to curb market-driven inequality beyond citizens' tolerance.

15. How Rawls widens liberal justice

- **Original position / veil of ignorance** forces rules that protect the *least advantaged* while retaining liberty.
- Shifts liberalism from formal rights to **justice as fairness**: liberty legitimated only when pay-gaps are defensible.
- Introduces *public reason* and sketches institutions—progressive tax, dispersed capital, fair value of political liberty—bridging theory and policy.
- Sparked modern normative revival (**Kymlicka**), yet prompted further refinements:
  - ✓ **Sen** – focus on *effective freedom* (capabilities).
  - ✓ **Katrina Forrester** – calls for updates for post-industrial capitalism.
- Rawls himself views principles as *"worked out anew for each generation,"* making liberal egalitarianism a self-correcting project.
  (UPSC pyq 2016)

16. Ambedkar's Egalitarian Justice vs Rawls's Pure Procedural Justice

- **Ambedkar**: abolition of caste first; democracy as "*a way of associated living*." State-led redistribution (reservations, labour rights, *State and Minorities* socialism) turns *liberty–equality–fraternity* into **material facts**. Outcome-centred, group-repairing, **substantive** justice.
- **Rawls**: *original position + veil of ignorance* yield two principles (equal basic liberties; **Difference Principle**) chosen by identity-blind contractors. Justice is whatever emerges from this **pure procedural** device; inequality allowed only if it benefits the least-advantaged.
  (expect a 15 marker in O-AWFG 1 , also a UPSC PYQ on the same theme)

Scholar Index –
Bhimrao Ambedkar · · Charles R. Beitz · Gerald Allan Cohen · Ronald Myers Dworkin · Katrina Forrester · Emperor Justinian I (Flavius Petrus Sabbatius Justinianus) · Immanuel Kant · William (Kim) Kymlicka · Alasdair Chalmers MacIntyre · Pratap Bhanu Mehta · Robert Nozick · Susan Moller Okin · Thomas Winfried Pogge · Michael J. Sandel · Amartya Kumar Sen · Julius Stone · Charles Taylor · Michael Walzer.

*(Copies in **ATS diagnostics** that name-check fewer scholars scored 25-35 marks lower—pattern noted!, YET inclusion of scholars should be contextual and organic)*

Practice Questions – write before 4 p.m.

Question 1. "Communitarian thinkers reject Rawls' notion of the 'unencumbered self.' Briefly outline their main objections." (10 Marks)
Question 2. Critically examine John Rawls's argument for democratic equality. (2016, 15 Marks)

Question 3. How has Rawls enriched the idea of justice in liberalism? (2021, 20 Marks)

📌 *Model answers drop this evening on the Telegram channel:* **https://t.me/psirbyamitpratap** – set an alert.

Quick logistics
- **2025 Mains writers: PSIR O-AWFG Cohort 1** launches *11 June*; **PSIR ATS** goes live *15 June*. Today's answer set doubles as your warm-up task—bring the evaluated answer copies in mentorship sessions and ensure that you get the personalised feedback.
- **2026 Mains writers:** keep uploading **PSIR O-AWFG & ATS copies** on the dashboard; this capsule aligns with Week 1 of your schedule.
- Alternate between mini-tests **(O-AWFG)** and full mocks **(ATS)** to tackle speed, content depth, and structured revision—each line-by-line evaluation pinpoints your weaknesses and errors. Follow your **PSIR O-AWFG & ATS** schedule and use the model answers to enrich your content, as rankers recommended based on their own success.